

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 4, 2005  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:10 p.m. Mayor Murphy recessed the meeting at 3:14 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:22 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:45 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:56 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:04 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Maland (ek)

FILE LOCATION:                      MINUTES



**ITEM-1:**

**ROLL CALL**

Clerk Maland called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

**FILE LOCATION:**

**MINUTES**



**ITEM-10:**

**INVOCATION**

Invocation was given by Reverend Dr. Lewis S. Stone  
of All Saints Parish.

**FILE LOCATION:**

**MINUTES**



**ITEM-20:**

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Deputy Clerk Elizabeth Maland.

**FILE LOCATION:**

**MINUTES**

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

**APPROVED**

Approval of Council Minutes for the meetings of:

02/21/2005-Adjourned  
02/22/2005-Adjourned  
02/28/2005  
03/01/2005  
03/07/2005  
03/08/2005  
03/14/2005  
03/15/2005  
03/21/2005-Adjourned  
03/22/2005-Adjourned  
03/28/2005-Adjourned  
03/29/2005-Adjourned

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:13 p.m.)

MOTION BY MADAFFER TO APPROVE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-31: John Kern Day.

**MAYOR MURPHY’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-987) ADOPTED AS RESOLUTION R-300258

Recognizing John Kern for his many years of service to the City of San Diego and his lifetime achievement in government, politics, and communication;

Proclaiming April 4, 2005, to be “John Kern Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-32: National Organ Donor Awareness Month.

**COUNCILMEMBER PETERS' AND COUNCILMEMBER MADAFFER'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2005-990) ADOPTED AS RESOLUTION R-300257

Proclaiming April 2005, to be "National Organ Donor Awareness Month" in the City of San Diego and encouraging all Californians to make their wish to save lives through organ and tissue donation known to their families.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:27 p.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-33: Verna King Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-936) ADOPTED AS RESOLUTION R-300259

Commending Verna King for the exceptional service and commitment she has given to all communities in San Diego, California;



Proclaiming April 4, 2005, to be “Verna King Day” in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 2:28 p.m. – 2:33 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-34:      Lupus Alert Day.

**COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-980)    ADOPTED AS RESOLUTION R-300260

Commending the Lupus Foundation of Southern California for its continued  
commitment to educating and supporting those residents living with lupus in the  
County of San Diego and Imperial Counties;

Proclaiming April 1, 2005, to be “Lupus Alert Day” in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 2:34 p.m. – 2:38 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the  
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea,  
Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

CLOSED SESSION:

**Conference with Legal Counsel - existing litigation, pursuant to California Government  
Code section 54956.9(a):**

**CS-1 *Claim of Joyce Sanders and Terry Mills***

REFERRED TO CLOSED SESSION ON TUESDAY, APRIL 5, 2005

Claim Nos. LP05-7773-0885 and LP05-7773-0886

DCA assigned McGuinness

This matter involves a sewer back-up causing damage to two residential properties. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss possible settlement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:04 p.m.)

Mayor Murphy closed the hearing.

- CS-2 (a) *United States of America v. City of San Diego,***  
U.S. District Court No. 03-CV-1349-K  
**b) *San Diego BayKeeper/Surfrider Foundation v. City of San Diego,***  
U.S. District Court No. 01-CV-0550-B

REFERRED TO CLOSED SESSION ON TUESDAY, APRIL 5, 2005

DCA assigned: Bromfield

Each of these lawsuits allege violations of the federal Clean Water Act due to sewer system overflows experienced by the City from December 1996 to the present. For judicial economy, both cases were consolidated and the parties have been exploring potential resolutions. The Mayor and City Council will be briefed on a proposed resolution involving a Partial Consent Decree effective through June 30, 2006 while reactivating negotiations on a Final Consent Decree by December 31, 2005. The legal implications and recommendations on the partial settlement will be discussed by the City Attorney and City Manager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:04 p.m.)

Mayor Murphy closed the hearing.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-3 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee**

REFERRED TO CLOSED SESSION ON TUESDAY, APRIL 5, 2005

Employee organizations: Municipal Employees Association, Local 127  
AFSME, AFL-CIO, Local 145 International Association of  
Firefighters AFL-CIO, San Diego Police Officers  
Association

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:04 p.m.)

Mayor Murphy closed the hearing.

**Public employment, pursuant to California Government Code section 54957(b)(1):**

**CS-4 Title: City Clerk**

REFERRED TO CLOSED SESSION ON TUESDAY, APRIL 5, 2004

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:04 p.m. – 6:04 p.m.)

Mayor Murphy closed the hearing.



[ITEM-50:](#) Adding the Committee on Government Efficiency and Openness to the  
San Diego Municipal Code.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/7/2005, Item 50. (Council  
voted 8-0. Councilmember Young not present):

(O-2005-88) ADOPTED AS ORDINANCE O-19363 (New Series)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 10, Rule 18, and by adding new Rule 21.1, all related to the Committee on Government Efficiency and Openness.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:05 p.m. – 3:10 p.m.)

MOTION BY FRYE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-51: Exemption of a Council Representative I Position from the Classified Service for Council District Six.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2005, Item S400. (Council voted 8-0. Councilmember Frye not present):

(O-2005-109) ADOPTED AS ORDINANCE O-19364 (New Series)

Exempting the position of Council Representative I from the Classified Service for Council District Six.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



**ITEM-52:** Proposed Ten-Year Operating and Management Agreement for Downtown Property and Business Improvement District (PBID) Renewal.

(Centre City, East Village, Cortez, Marina, Gaslamp, Core Columbia Community Areas. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/14/2005, Item 52. (Council voted 8-0. Councilmember Frye not present):

(O-2005-108) ADOPTED AS ORDINANCE O-19365 (New Series)

Authorizing the City Manager to execute the Operating and Management Agreement between the City of San Diego and Downtown San Diego Partnership, Inc., for the renewed Downtown Property and Business Improvement District.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 3:13 p.m.)

MOTION BY ZUCCHET TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



**ITEM-53:** Amending the San Diego Municipal Code Relating to the Time for Hearing the Non-Agenda Public Comment.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/7/2005, Item S402. (Council voted 6-2. Councilmembers Atkins and Frye voted nay. Councilmember Young not present):

(O-2005-106) FILED, WITH DIRECTION

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by Amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 8, all relating to Non-Agenda Public Comment.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:24 p.m. – 4:45 p.m.)

MOTION BY FRYE TO NOT ADOPT THE ORDINANCE WHICH WAS INTRODUCED ON MARCH 7, 2005 AS ITEM S-402 AND NOT AMEND THE MUNICIPAL CODE AND TO LEAVE THE NON-AGENDA PUBLIC COMMENT AS IT IS. ACCEPT COUNCIL MEMBER MAIENSCHIN'S RECOMMENDATION OF REFERRING TO THE GOVERNMENT EFFICIENCY AND OPENNESS COMMITTEE THE MATTER OF LIMITING COUNCIL COMMENT TO 15 MINUTES. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-54: Authorizing Agreements with the Olivenhain Municipal Water District and Black Mountain Ranch LLC for Water and Fire Protection Service for Black Mountain Ranch Phase II Development Site.

(Black Mountain Ranch Community Plan Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/15/2005, Item 335. (Council voted 9-0):

(O-2005-103) ADOPTED AS ORDINANCE O-19366 (New Series)

Authorizing the City Manager to execute a Temporary Water and Fire Protection Agreement with the Olivenhain Municipal Water District for water and fire protection services and a Temporary Water and Fire Protection Agreement with Black Mountain Ranch, LLC for water and fire protection services.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



**ITEM-55:** Exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

(See memorandums from Rich Snapper dated 3/3/2005 and Jeff Bowman dated 1/12/2005.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-110) INTRODUCED, TO BE ADOPTED  
MONDAY, APRIL 18, 2005

Introduction of an Ordinance exempting a Fire Shift Commander Position from the Classified Service in the Fire/Rescue Department.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 3, 2005, the Civil Service Commission reviewed the duties and responsibilities of the following position and found that it meet the intent of Charter Section 117. Charter Section 117 states that the Unclassified Service shall include "managerial employees having significant responsibilities for formulating and administering department policies and programs. Each such position shall be exempt from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council".

Shift Commander (working title of Division Fire Chief) - Fire Emergency Operations currently has 2.0 Division Chief positions. Because Fire and Medical emergencies occur 7 days a week/24 hours a day, it has been determined that operationally, a third position is required to provide sufficient oversight of Fire Battalion Chiefs and emergency operations personnel. This position will be responsible for managing the operations of the city's emergency fire and medical services one of the three divisions in the department and will report to a Deputy Fire Chief.

**FISCAL IMPACT:**

These funding for this position is included in the overall Fire-Rescue Department budget and spending plan. Reduction of 2.0 budgeted Fire Engineer positions (including fringe rates) will provide the funding for this 1.0 Shift Commander and result in a savings of approximately \$10,000 in Fiscal Year 2006.

Aud. Cert. 2500805.

Ewell/Bowman

Staff: Patricia Nunez – (619) 533-4413  
Joseph Sanchez

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:04 p.m. – 3:04 p.m.)

MOTION BY ZUCCHET TO INTRODUCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



\* ITEM-100: Two actions related to Inviting Bids for the Construction of Miramar Road Widening Project.

(University Community Area. Districts 1 and 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-958) ADOPTED AS RESOLUTION R-300261

Approving the plans and specifications for the construction of the Miramar Road Widening Project (Project) on Work Order No. 526790;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an



amount not to exceed \$3,301,771, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,301,771 from CIP-52-679.0, Fund 79001, Facilities Benefit Assessment Fund, solely and exclusively, for the purpose of providing funds for the Miramar Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves. (BID-K052174)

Subitem-B: (R-2005-963) ADOPTED AS RESOLUTION R-300262

Stating for the record that the information contained in the final EIR/EIS File No. 91-0397, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA guideline Section 15162 would warrant any additional environmental review in connection with approval of Miramar Road Widening Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

Miramar Road is a prime arterial running in an east/west direction from I-15 to I-805. It is an important part of the transportation network in the University Community. The widening of Miramar Road from 6 to 8 lanes from I-805 to Eastgate Mall is one of the three projects identified in Phase II of the Nobel Drive/I-805 Interchange Project. Phase I, the construction of Nobel Drive/I-805 Interchange was completed and opened to traffic in 2002. The projected volume build-out for Miramar Road is well above the design capacity of the existing 6 lanes, resulting in an unacceptable Level of Service E along different segments of the road. The proposed project will provide congestion relief by reducing traffic delays on both local and interstate circulation system, improve safety, provide bicycle access, and reduce air pollution from congestion. It will bring the level of service within an acceptable range of LOS D. The

project is consistent with the University Community Plan and the City of San Diego's Progress Guide and General Plan.

The proposed project consists of roadway widening to the north to provide for two additional lanes. The work also includes construction of retaining walls, curbs, gutters and sidewalks; new raised medians; installation of storm drain system with filtering inlets; new striping and signage; traffic signal modifications and interconnects, and landscaping.

**FISCAL IMPACT:**

The total estimated cost of this project is \$4,000,000. The City Council has previously authorized \$698,229 for consultant services to design the project, Resolution Numbers R-296192, R-297559 and R-299189. Funding for this project is available from Fund 79001, Facilities Benefit Assessment.

Mendes/Boekamp/DZ

Aud. Cert. 2500817.

Staff: Kris Shackelford – (619) 533-3781  
Susan Y. Cola

FILE LOCATION: W.O. #526790

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-101: Awarding a Contract to Tri-Group Construction, Inc. for the Construction of Views West Neighborhood Park – Picnic Shelter.

(Rancho Penasquitos Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-977) ADOPTED AS RESOLUTION R-300263

Authorizing the City Manager to award and accept the lowest bid from Tri-Group Construction, Inc., in an amount not to exceed \$104,500 (Base bid plus Additive Alternates No. 1 and No. 2), for the construction of Views West Neighborhood Park – Picnic Shelter;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-29-417.0, Views West Neighborhood Park - Picnic Shelter, Fund No. 392190, Black Mountain Ranch Development Agreement Fund, by increasing the budget amount by \$80,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$80,000 from CIP-29-417.0, Views West Neighborhood Park – Picnic Shelter, Fund No. 392190, Black Mountain Ranch Development Agreement Fund;

Authorizing the City Auditor and Comptroller the expenditure of an amount not to exceed \$104,500 from CIP-29-417.0, Views West Neighborhood Park – Picnic Shelter, Fund No. 392190, Black Mountain Ranch Development Agreement Fund, for the purpose of executing this contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Views West Neighborhood Park is an existing 19.7-acre park located at 12958 La Tortola, south of State Route 56 and west of Rancho Penasquitos Boulevard, in the Rancho Penasquitos Community area.

This Capital Improvements project proposes the following amenities at the park: a 32-foot diameter group picnic shelter, picnic tables, barbeque grills, hot coal receptacles, trash receptacles, disabled accessible concrete walkway, minor landscaping and irrigation system modification.

The design has now been completed and bids for construction were opened on December 1, 2004. Based on the apparent low bid received, an additional \$80,000 is required to award a construction contract to the qualified low bidder contractor and complete the project. Previously authorized funding provided only for project design and administration costs.

**FISCAL IMPACT:**

The total project cost is estimated at \$160,000 of which \$80,000 has been previously authorized. The remaining funds, \$80,000, are available in Fund No. 392190, Black Mountain Ranch Development Agreement Fund.

Herring/Oppenheim/AP

Aud. Cert. 2500838.

Staff: April Penera – (619) 525-8223  
Shannon M. Thomas

FILE LOCATION: CONT – Tri Group Construction, Inc.

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-102: Change Order No. 1 to Contract with Orion Construction Corporation for Sewer Group 719.

(Ocean Beach Community Area. District 2.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-914) ADOPTED AS RESOLUTION R-300264

Approving Change Order No. 1, dated November 8, 2004, issued in connection with the contract with Orion Construction Corporation, for the construction of Sewer Group 719 (Project), and the changes therein set forth, amounting to a net increase in the contract price of \$130,000;

Authorizing the expenditure of an amount not to exceed \$130,000 from CIP-11-306.0, San Diego River/Ocean Beach Water Quality Improvement Project, Fund 30300, TransNet, solely and exclusively, for the purpose of providing funds for Sewer Group 719, Change Order No. 1, and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of Sewer Group 719, Orion Construction Corporation installed a new 8-inch sewer main in the alley between Brighton Avenue and Long Branch Avenue, east of Abbott Street. Due to trenching activities in poor soil condition and the condition of the existing concrete pavement, it is necessary to resurface the entire concrete alley. In addition, a total of 356 ft. of 18-inch storm drain that is part of the San Diego River/Ocean Beach Water Quality Improvement Project is scheduled to be installed along the mentioned alley, and parallel to the new sewer main. To avoid delaying the storm drain project until after the 3-year paving moratorium period, as well as the cost of resurfacing the concrete alley twice, and also to minimize inconvenience to the community, the 18-inch storm drain design was accelerated so that it could be constructed with Sewer Group Job 719. The contract change order for storm drain construction will be paid for out of the San Diego River/Ocean Beach Water Quality Improvement project appropriation.

**FISCAL IMPACT:**

The total estimated cost of this project is \$130,000. This request is authorizing the expenditure of \$130,000 from Fund 30300, CIP-11-306.0 (Job Order 11.306.1).

Mendes/Boekamp/DZ

Aud. Cert. 2500798.

Staff: Dave Zoumaras – (619) 533-3138  
Eric A. Swenson

FILE LOCATION: CONT – Orion Construction Corp.; W.O. 175611

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-103: Mission Trails Regional Park Visitor and Interpretive Center Roof Rehabilitation.

(Mission Trails Regional Park Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-952) ADOPTED AS RESOLUTION R-300265

Amending the Fiscal Year 2005 Capital Improvements Program, by adding CIP-29-881.0, Mission Trails Regional Park Visitor and Interpretive Center Roof Rehabilitation;

Amending the Fiscal Year 2005 Capital Improvements Program Budget for CIP-29-881.0, Mission Trails Regional Park Visitor and Interpretive Center Roof Rehabilitation, Fund No. 10580, Mission Trails Regional Park Fund, by increasing the budget amount by \$70,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$70,000 from CIP-29-881.0, Mission Trails Regional Park Roof Rehabilitation, Fund No. 10580, Mission Trails Regional Park Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

The Mission Trails Regional Park Visitor and Interpretive Center requires rehabilitation to the copper roof structure. The roof has water entering the interior of the structure in three locations, thereby causing water damage to the facilities. All warranties have expired on the original construction of the roof. Many repairs have been done to the roof to stop the leaks. However, the roof leaks continue to occur at each rain event. It has been determined that the main causes of the leaks are at the ridge lines of the roof where the copper panels have slid down. Although the copper panels are in excellent condition, the voids created by the panel movements appear to be the source of water intrusion. It is believed that the best solution would be a rehabilitation of the existing roof. The work will include removal of the copper panels at the affected areas,

reconstruction of the plywood substrate, if needed, and replacement of the original copper panels. This Council Action will create a CIP and provide for the necessary funding to hire a contractor to do the rehabilitation.

**FISCAL IMPACT:**

The estimated cost of this project is \$70,000. Funds for this project in the amount of \$70,000 are available in Fund No. 10580, Mission Trails Regional Park Fund.

Herring/Oppenheim/AP

Aud. Cert. 2500815

Staff: April Penera – (619) 525-8223  
Shannon M. Thomas

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-104: Additional Funding for Legal Services of Luce, Forward, Hamilton & Scripps Regarding Gleason v. San Diego City Employees' Retirement System (SDCERS).

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-941) ADOPTED AS RESOLUTION R-300266

Authorizing and directing the City Attorney to execute an amendment to the Fee Agreement with Luce, Forward, Hamilton & Scripps (Firm), for an additional amount not to exceed \$100,000, for additional services from the Firm, specifically the resolution of an outstanding claim for attorney's fees, in connection with the Gleason, et al. v. San Diego City Employees' Retirement System, and City of San Diego, et al., San Diego Superior Court Case No. GIC 803779.

Aud. Cert. 2500846.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-105: Settlement Agreement with Berryman & Henigar (Consultant) Regarding the Design of the La Jolla/Pacific Beach Trunk Sewer-Chelsea Street Relocation Project.

(La Jolla Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-863) ADOPTED AS RESOLUTION R-300267

Approving the terms and conditions of the proposed Settlement Agreement with Consultant Berryman & Henigar;

Authorizing the expenditure of up to \$40,000, of which up to \$10,000 will be paid to Berryman & Henigar for preparation of as-builts for the subject project, and \$30,000 for payment of Berryman & Henigar's final invoice;

Authorizing the City Manager, or his designee, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the terms of the Settlement Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

On September 29, 1999, the City and Berryman & Henigar (Consultant) entered into an Agreement for Engineering Services, which is on file in the Office of the City Clerk as Document No. RR-292209, to provide engineering design services for the La Jolla/Pacific Beach



Trunk Sewer - Chelsea Street Relocation Project (the Project). The Contract called for design services related to the construction of 3850 linear feet of a new 21" diameter replacement trunk sewer, construction of 4700 linear feet of new 8" sewer mains, and the reconnection and replumb of 65 laterals to the new sewer mains.

During construction, the City's contractor encountered a conflict between the new trunk sewer, designed by the Consultant, and an existing 72" storm drain structure that was unclearly detailed on the project plans underneath La Jolla Boulevard. As a result of the conflict, the City incurred \$560,000 in additional Project costs associated with change orders from the Contractor. Each party alleges the other is responsible for the additional Project costs; however, the Consultant has agreed to pay the City \$307,000 for additional construction costs associated with the encountered conflict. The Consultant also agreed to reduce its final invoice by \$66,887.91, leaving a remaining balance of \$30,000.

Under the terms of the Settlement Agreement, the City will pay to the Consultant (simultaneously with the \$307,000 payment made by the Consultant to the City) \$30,000 for design services provided by Consultant to date and an additional amount not to exceed \$10,000 for preparation of as-built drawings for the Project.

Council action is required to approve the Settlement Agreement between the City and Consultant and to authorize payment to the Consultant for completion of the Consultant's scope of services related to the Project.

**FISCAL IMPACT:**

The \$307,000 settlement from the Consultant will be returned to CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer - Chelsea Street Relocation Project, Object Account 4118 (Engineering Services), from which the City in turn will pay to Consultant an amount not to exceed \$40,000 for the final design services as detailed above.

Mendes/Boekamp/HHR

Aud. Cert. 2500819

Staff: Halla Razak – (619) 533-5100  
Patricia M. Fusco

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-106: Centre City Development Corporation (CCDC) Funds for Downtown Fire Station No. 1.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-986) ADOPTED AS RESOLUTION R-300268

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-33-093.0, Downtown Fire Station No. 1, Fund No. 30245, Capital Outlay, by increasing the budget amount by \$225,000;

Authorizing the City Manager to accept from the Centre City Development Corporation the sum of \$225,000 into Fund No. 30245, Capital Outlay, representing loan repayments of principal and interest on Sales Tax Loans made to the Agency in the Centre City and Horton Plaza project areas;

Authorizing the City Auditor and Comptroller to appropriate and expend \$225,000 from Fund No. 30245, Capital Outlay, into CIP-33-093.0, Downtown Fire Station No. 1, contingent on the funds being received from the Centre City Development Corporation and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$225,000 from CIP-33-093.0, Downtown Fire Station No. 1, Fund No. 30245, Capital Outlay, solely and exclusively, for the purpose of providing funds for Phase II of the Agreement between the City of San Diego and Vasquez + Marshall Associates, on file in the Office of the City Clerk as Document No. RR-298235, filed on July 22, 2003, for consultant services to complete the Downtown Fire Station No. 1 and related expenditures, contingent on the funds being received from Centre City Development Corporation;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Downtown Fire Station No. 1 is a 32-year old facility located on the first floor of the San Diego City Operations/Development Services Building. The fire station remodeling project will correct several issues including: removal of asbestos, remodel of dorm and kitchen areas, dedicate an HVAC and security systems to the fire station, install a fire sprinkler system, provide overhead lighting and duct work, and other renovations needed to modernize the fire station. The City hired Vasquez + Marshall & Associates to provide professional services to prepare plans for the fire station remodel. Phase I of the Agreement, which has been completed, provided for conceptual plans. This Council action will authorize Phase II of the Agreement which will complete the project construction documents.

CCDC will provide \$225,000 in Sales Tax Loan repayments in the Centre City and Horton Plaza Redevelopment Projects, for the design of Downtown Fire Station No.1, as payment of additional interest added to outstanding loan amounts from Fiscal Year 2003-2004.

**FISCAL IMPACT:**

The additional \$225,000 required to complete plans for Fire Station No. 1 is available from Fund No. 30245, Capital Outlay. Availability of these funds is contingent on the funds being received from the Center City Development Corporation. No increase to CIP-33-093.0, will be required as the \$225,000 received from Centre City Development Corporation (CCDC) will be in lieu of bond funding from future issues.

Mendes/Boekamp/AO

Staff: Afshin Oskoui – (619) 533-3102  
Susan Y. Cola

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-107: Lease Agreement with Federal Aviation Administration (FAA) for Operation and Maintenance of Stand Alone Weather Station (SAWS) at Montgomery Field Airport.

(Kearny Mesa Community Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-935) ADOPTED AS RESOLUTION R-300269

Authorizing the City Manager to execute a 20-year and one-month lease agreement with the FAA for the purpose of maintaining and operating weather equipment which aids users at Montgomery Field Airport;

Declaring the consideration for the lease is the FAA's operation and maintenance of the SAWS facility and its benefits to the City and regional airport air traffic safety and, that the transaction processing fee for the lease, in the amount of \$3,970, is waived.

**CITY MANAGER SUPPORTING INFORMATION:**

Under terms of an existing lease agreement with the City, the Federal Aviation Administration (FAA) installed Centerfield Weather Equipment (CWE) on Montgomery Field Airport. The FAA has continuously maintained the CWE for the benefit of local air traffic. The FAA would like to upgrade the weather equipment by installing and maintaining a new Stand Alone Weather System (SAWS) in the same site as the CWE. The SAWS will automatically collect and broadcast weather data such as wind speed/direction, altimeter settings and temperatures to pilots.

The FAA has requested a new twenty year and one month lease with the City beginning September 1, 2004, and terminating on September 30, 2024.

A preliminary review by the Real Estate Assets Acquisition and Valuation division estimates market rent for the site to be approximately \$6,000 per year.

Consideration for the proposed lease is the operation and maintenance of the SAWS facility and its benefits to City and regional airport air traffic safety. Section 47107(a)(12) of Title 49 United States Code provides that the airport owner or operator will provide, without cost to the

Government, property interests in land or water areas or buildings that the government decides are desirable for, or that will be used for, constructing at Government expense, facilities for carrying out activities related to air traffic control or navigation. Additionally, City staff recommends that the City Council waive the transaction processing fee of \$3,970.

Term: 20 years and one month

Rent: None

Size: Approximately .64 acres

**FISCAL IMPACT:**

None.

Herring/Griffith/CA

Staff: Christian Anderson – (619) 236-7073  
Debra J. Bevier

FILE LOCATION: LEAS – Federal Aviation Administration (FAA)

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-108: First Amendment to the Agreement with SFPP/Kinder Morgan for the Relocation of Petroleum Pipelines.

(Mira Mesa Community Area. District 5.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-945) ADOPTED AS RESOLUTION R-300270

Authorizing the City Manager to execute, for and on behalf of said City, a First Amendment to the Agreement with SFPP/Kinder Morgan, for the relocation of

one 16" and one 10" petroleum product pipelines (the Project), at a cost not to exceed \$548,000, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an additional amount not to exceed \$548,000 from CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 79006, Facilities Benefit Assessment (FBA), for the purpose of providing funds for the above referenced Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

SFPP, L.P., a Delaware limited partnership, owns, operates and maintains one 16" and one 10" petroleum pipelines within the 200-foot wide San Diego Gas and Electric's easement through the project area. The City of San Diego and SFPP, L.P., a Delaware limited partnership, entered into an agreement for the relocation of both of these petroleum pipelines which is required for the construction of the Mira Sorrento Place project (Document No. C-12554, dated February 13, 2004). The City contracted with SFPP to perform the relocation of their pipelines because the relocation work requires special expertise in this line of work, and the utility company will not allow any other agency to manage the relocation work due to liabilities among other reasons. The agreement was based on SFPP's estimated construction cost of \$425,000, with the condition that they would be reimbursed for the actual cost of construction. SFPP, L.P., advertised for construction and opened bids on 10/15/04. SFPP received four bids, the lowest of which exceeded SFPP's engineer's estimated cost by \$548,000.

SFPP analyzed the bids and reported that the increase in the constructions cost is attributed to increase in labor cost because of the difficulty of the work and increase in material cost since the original estimate was prepared by their engineers. (Reference SFPP letter dated April 17, 2003).

The agreement with SFPP must be amended to accommodate the increased cost of the pipeline relocations. This amendment will increase payment to SFPP, L.P. by \$548,000, in order that they may award the pipeline relocation contract to the lowest bidder. As a result of the bid evaluations by engineering staff for the utilities, City staff has determined that it is in the City's best interest to proceed with this amendment, since rebidding the relocation work will not ensure that SFPP will receive better prices, and since rebidding will result in delays to the road construction project.

The Mira Sorrento Place project is structured as a phase funded project. The sequence of construction work is Phase I (i.e. drainage, grading, retaining walls, crib walls at east end), Utility Relocations by SDG&E and SFPP, and lastly Phase II (i.e. finish grading, crib walls at west end, sidewalks, paving, traffic signals, landscaping). The construction of Phase I is near completion and Phase II cannot proceed until the utility relocation work is completed. As indicated above, SFPP's bids for the utility relocations came in higher than what was budgeted in the project. This action will reallocate funds in the project to borrow the required additional funds to proceed with the utility relocations. The borrowed funds are already budgeted in the project for Phase II work. Staff will be working closely with Council District 5, the Community Group, Facility Financing, and area businesses to identify funding options to compensate for the short fall of funding for Phase II. The road would not be operational without the construction completion of Phase II which includes finish grading, crib walls at the west end, sidewalks, curb and gutters, paving, traffic signals, drainage structures, street lights and landscaping, if necessitated by a lag in filling the gap in the funding.

**FISCAL IMPACT:**

The total amount for the first amendment is \$548,000. Funds are available in CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 79006.

Mendes/Boekamp/DZ

Aud. Cert. 2500808.

Staff: Jamal Batta – (619) 533-3769  
Eric A. Swenson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-109: Cooperative Agreement with Caltrans for Construction of Improvements at SR-56/El Camino Real Interchange.

(Carmel Valley Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-978) ADOPTED AS RESOLUTION R-300271

Authorizing the City Manager to execute, a Cooperative Agreement with the California Department of Transportation, for improvements at the State Route 56/El Camino Real Interchange, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$300,000 from Fund 79011, or CIP-52-311.0, for the purpose of funding the Cooperative Agreement between the City of San Diego and Caltrans;

Authorizing the City Auditor and Comptroller to deobligate the actual amount of Fund 38523 used for the purpose of funding the Cooperative Agreement with Caltrans for the previously approved appropriation of Fund 38523, per Resolution 298357, for CIP-52-311.0;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

With the opening of the Middle Segment of SR-56, the traffic volumes to and from SR-56 at the El Camino Real Interchange are forecasted to continue to increase. In order to improve traffic operations and better accommodate the increased traffic in the area, it is proposed to construct the following improvements:

Restripe southbound El Camino Real north of the interchange to convert one exclusive right turn lane to a shared through-right turn lane, restripe southbound El Camino Real to convert a through lane to an additional left turn lane on to the eastbound SR-56 On Ramp, and widen the westbound SR-56/El Camino Real Off Ramp to provide an additional left turn and through lane.

In order to expedite the construction of the improvements, it is proposed to use the same contractor who is currently constructing the I-5/I-805 improvements since their Caltrans contract



work limits extend to the SR-56/El Camino Real Interchange. In order to utilize Caltrans contractor to construct the improvements, it is necessary to enter into a Cooperative Agreement with Caltrans to authorize the expenditure of up to \$ 300,000 to fund the construction of the improvements.

**FISCAL IMPACT:**

Per Resolution 298357, the City Council previously approved the appropriation of the Section 330 Surface Transportation Program Funds and Pacific Highlands Ranch Facility Benefit Assessment Funds, which, will be used for the construction of the improvements.

Mendes/Boekamp/BJ

Aud. Cert. 2500836.

Staff: Brad Johnson – (619) 533-3770  
Susan Y. Cola

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



\* [ITEM-110:](#) Grant Application to the State of California Office of Emergency Services (OES) for Elder Abuse and Same Sex Domestic Violence Program.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-915) ADOPTED AS RESOLUTION R-300272

Authorizing the San Diego City Attorney, or his duly designated representative, for and on behalf of the City, to apply for grant funding for the Elder Abuse and Same Sex Domestic Violence Program;

Authorizing the San Diego City Attorney, or his duly designated representative, for and on behalf of the City, to take all necessary steps to secure the grants;

Authorizing the San Diego City Attorney, or his duly designated representative, for and on behalf of the City, to execute and submit all documents necessary to comply with the grant requirements;

Authorizing the San Diego City Attorney, or his duly designated representative, for and on behalf of the City, to accept, appropriate, expend, and administer the grant funds, if and when secured, in accordance with the terms and conditions of the grant program;

Authorizing the San Diego City Attorney, or his duly designated representative, for and on behalf of the City, to accept the following grant amounts for the Elder Abuse and Same Sex Domestic Violence Program for the periods indicated and as more particularly described in the documents listed as filed in the Office of the City Clerk:

- a. \$34,703 for the period from July 1, 2003, to September 30, 2003;
- b. \$104,109 for the period from October 1, 2003, through June 30, 2004; and
- c. \$115,645 for Fiscal Year 2005 (July 1, 2004, through June 30, 2005).

Declaring that pursuant to the terms and conditions of the grant program:

- 1. The City is authorized to appropriate all matching funds required for the project, including any amendments thereof.
- 2. Any liability arising out of the City's performance under these grants, including civil court actions for damages, shall be the responsibility of the City.
- 3. All funds received pursuant to these grants shall be spent exclusively for the project and shall not be used to supplant expenditures controlled by the City Council.

**SUPPORTING INFORMATION:**

These are renewal grants for the project started in 1998. The project will continue to address Elder Abuse and Same Sex Domestic Violence in the City of San Diego. The efforts of the

prosecutors, investigator and victim services advocate funded by these grants have been effective in addressing Elder Abuse and Same Sex Domestic Violence in the City of San Diego. As a means of increasing awareness and prosecution of Elder Abuse, the prosecutor conducts outreach to seniors, conducts trainings to Law Enforcement officers, and participates in programs such as the District Attorney's TRIAD program and Elder Abuse Council.

The Same Sex Domestic Violence component is being effectively addressed by outreach efforts to the gay and lesbian community. The Same Sex prosecutor and advocate continue to provide presentations to the Lesbian and Gay Men's Community Center, community centers and rehabilitation facilities to dispel some of the myths and concerns about domestic violence in gay and lesbian relationships and provide information about the prevention and prosecution of Same Sex Domestic Violence. The prosecutor continues to train members of law enforcement to enhance officers' awareness of same sex domestic violence so that potential cases are captured at the scene.

In November 2003, the City Attorney's Office received notification that it had been awarded \$34,703 from the State of California, Office of Criminal Justice Planning (OCJP) for the first quarter of Fiscal Year 2004. As a result of budget constraints, the OCJP was eliminated and its grants and projects were transferred to the Office of Emergency Services (OES). On January 27, 2004, the City Attorney's Office received notification that it had been awarded \$140,109 for the project from OES for the remainder of Fiscal Year 2004 (October 1, 2003 through June 30, 2004).

In January 2005, the City Attorney's Office received notification that the City had been awarded \$115,645 from OES for Fiscal Year 2005. These awards have a twenty-five percent (25%) match requirement which will be met through existing staff salaries.

The terms and conditions of the grants require the City to agree that (1) any liability arising out of the City's performance under the grants, including civil court actions for damages, shall be the responsibility of the City, and (2) all funds received shall be spent exclusively for the project and shall not be used to supplant expenditures controlled by the City Council.

Linley

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



**ITEM-111:** Grant Award from California State Coastal Conservancy for Beach Accessibility Improvements.

(Mission Beach, Pacific Beach, Ocean Beach, and La Jolla Shores Community Areas. Districts 1, 2, and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-959) ADOPTED AS RESOLUTION R-300273

Authorizing the City Manager, or designee, to make an application to the California State Coastal Conservancy to fund the Beach Accessibility Improvements (Project);

Authorizing the City Manager, or designee, to take all necessary actions to secure funds from the California State Coastal Conservancy for the Project;

Authorizing the City Manager, or designee, to accept a grant, in the amount of \$100,000 for the Beach Accessibility Improvements Project;

Authorizing the City Auditor and Comptroller to create a separate fund for the grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the grant is secured.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Coastal Conservancy, established in 1976, is a state agency that uses entrepreneurial techniques to purchase, protect, restore and enhance coastal resources, and to provide access to the shore. They meet these goals through a number of programs under the California Coast Act. The Public Access Program provides capital funds and technical assistance for the construction of public access stairs, trails, limited-mobility-access projects, hostels, interpretive signs and other facilities that serve state and regional coastal access needs, and for the acquisition of interests in land necessary to enable the provision of access facilities. The Community & Economic Development applied for and has been awarded a \$100,000 grant for the purchase of two (2) motorized beach wheelchairs, temporary ramps and electronic detection devices

This action authorizes the City Manager, or his designee, to accept and expend \$100,000 in grant funds from the California State Coastal Conservancy for beach accessibility improvements, take all the necessary actions to enter into agreements and make payment requests necessary to carry out the City's obligations, responsibilities and duties under the terms of the grant and authorizes the City Auditor and Comptroller to create a separate fund for the grant.

Frazier/Cunningham/DFP

Staff: Debra Fischle-Faulk – (619) 236-6172  
Carrie L. Gleeson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:22 p.m. – 3:23 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-112: Grant Funds from the State of California Citizen Options for Public Safety to San Diego Police Department Front Line Law Enforcement Services.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-938) ADOPTED AS RESOLUTION R-300274

Authorizing the City Auditor and Comptroller and the Chief of Police to apply for, accept, and expend these Grant funds from the State of California;

Authorizing the City Auditor and Comptroller and the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Declaring that any resources received hereunder shall be used to supplement, and not to supplant expenditures controlled by this body, and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Police Department will receive approximately \$1,899,933 from the State of California under Assembly Bill 3229, "Citizen Options for Public Safety" (State COPS). The State designates these funds for "front line law enforcement services," and requires that the City Council appropriate and approve these funds in accordance with the request of the Chief of Police.

The San Diego Police Department plans to use these funds for police automation, vehicle, communications, safety, forensic, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

Please note: At present, there is NO application form for these grant funds. Once approved in the State budget, they are transferred automatically.

**FISCAL IMPACT:**

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. State law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

Ewell/Lansdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221  
Simon Silva

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-113: Grant Application to the California Office of Traffic Safety (OTS) for Seat Belt Compliance Campaign (CSBCC) Project.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-965) ADOPTED AS RESOLUTION R-300275

Authorizing the Chief of Police, for and on behalf of the City of San Diego, to apply for, accept, manage and expend funds for a grant entitled, "Seat Belt Compliance Campaign" and in the amount of approximately \$86,207, including any extensions or amendments thereof;

Declaring such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that grant funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body.

**CITY MANAGER SUPPORTING INFORMATION:**

The California Seat Belt Compliance Campaign (CSBCC) is a project funded by the California Office of Traffic Safety (OTS). The goal of the CSBCC is to increase seat belt usage statewide to 92% by July 2005. This is a national campaign that the San Diego Police Department will be participating in during May and June 2005.

Funds provided by this grant will be utilized to fund officer overtime in order to observe, enforce, and increase seat belt usage. First line supervisors and officers will conduct enforcement activities focused on seat belt compliance; and administrative personnel will perform functions needed to meet grant-reporting requirements.

**FISCAL IMPACT:**

This OTS grant will provide \$86,207 to pay for officer overtime. There is no requirement for matching funds or to continue project-related expenditures or services after grant funding is exhausted.

Ewell/Lansdowne/DJW

Staff: Donna J. Warlick – (619) 531-2221  
Simon Silva

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-114: Two actions related to Grant Applications to California Integrated Waste Management Board (CIWMB) Cleanup Projects in the Tijuana River Valley.

(Tijuana River Valley Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-879) ADOPTED AS RESOLUTION R-300276

Approving the submission of a Farm & Ranch Solid Waste Cleanup and Abatement Grant application for the State's Fiscal Year 2004-2005 to the CIWMB;

Declaring the City of San Diego has, or will have, sufficient funds in addition to funds provided by the Grant to complete the Grant project;

Authorizing the City Manager to execute all necessary Farm & Ranch Solid Waste Cleanup and Abatement Grant documents, including, but not limited to, the



application, the Grant Agreement, the Grant Payment Requests, and amendments necessary for the purposes of securing grant funds and for the completion of the Grant project, as necessary, to carry out and administer the City's obligations, responsibilities, and duties under the terms of the grant, should the grant be awarded;

Directing the City Auditor and Comptroller to create a separate fund of the City for the grant monies.

Subitem-B: (R-2005-880) ADOPTED AS RESOLUTION R-300277

Authorizing the City Manager, or his designee, to submit an application to the CIWMB for a local Government Waste Tire Cleanup Grant and to execute all necessary applications, contract, agreements and amendments hereto for the purposes of securing grant funds to implement and carry out the purpose specified in the grant application;

Directing the City Auditor and Comptroller to create a separate fund of the City for the grant monies.

**CITY MANAGER SUPPORTING INFORMATION:**

Annually the Tijuana River Valley is severely impacted by waste tires and trash from illegal dumping that occurs along ravines and tributaries from both sides of the California/Mexico border. Most of the waste tires and trash originate in Tijuana. The Tijuana River drains a 1,735 square mile area with approximately 75% of the watershed in northern Baja California. During the rainy season huge volumes of waste tires and trash are carried into California by the storm water conveyed into the Tijuana River Valley Regional Park which is a natural resource enjoyed by City and County residents and the public at large.

This situation creates a burden on local governments to manage pollution that originates south of the international border, over which they have no control or means to prevent it from being discharged into the City. The LEA has previously received \$53,000 funding through these grants and administered the removal of over 500 tons of trash and 5,690 waste tires. This helped local governments to cleanup the natural habitat of the Tijuana River Valley Regional Park while lessening the impacts on their budgets.

The Development Services Department, Solid Waste Local Enforcement Agency (LEA) program is proposing to continue its assistance by submitting applications to obtain funds from the following State grant programs: 1) Local Government Waste Tire Cleanup Grant funded through the California Tire Recycling Management Fund (Tire Fund); and 2) Local Government Farm

and Ranch Solid Waste Cleanup Abatement Grant Program funded through the Integrated Waste Management Fund, Tire Fund, and California Used Oil Recycling Fund. The cleanup activities will be conducted by the County of San Diego Parks and Recreation Department (County Parks). The LEA will reimburse County Parks following the satisfactory performance of the work described in the grant applications. The LEA will be reimbursed for administration of the grant application and grant payment requests.

No matching funds are required.

Frazier/Halbert/VLG/WEP

Staff: Vicky Gallagher – (619) 533-3695  
Debra J. Bevier

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-115: Three Easement Deeds for the Z Street Natural Storm Drain Channel Project.

(Southeastern San Diego Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-966) ADOPTED AS RESOLUTION R-300278

Authorizing the City Manager, or designee, to accept an easement deed executed by Antonio Moreno Valdez, as Trustee of the Valdez Family Survivor's Trust U/D/T, or the owner of record, conveying to the City of San Diego a drainage easement across that portion of the South Half of Acre Lot 2 in H. C. Skinner's Addition in the City of San Diego, County of San Diego, State of California, according to Map 140, filed in the Office of the County Recorder of San Diego County on June 29, 1877, at no cost to the City;

Authorizing the City Manager, or designee, to accept an easement deed executed by Kevin Donald Hancock, Trustee, under that certain declaration of trust dated July 27, 2000, or the owner of record, conveying to the City of San Diego a drainage easement across that portion of Acre Lot 4 in H. C. Skinner's Addition, in the City of San Diego, County of San Diego, State of California, according to Map 140, filed in the Office of the County Recorder of San Diego County on June 29, 1877, at no cost to the City;

Authorizing the City Manager, or designee, to accept an easement deed executed by Concha H. Acosta, Trustee of the Concha H. Acosta Trust, or the record owner, conveying to the City of San Diego a drainage easement across that portion of the North Half of Acre Lot 2, in H. C. Skinner's Addition, in the City of San Diego, County of San Diego, State of California, according to Map 140, filed in the Office of the County Recorder of San Diego County on June 29, 1877, at no cost to the City.

**CITY MANAGER SUPPORTING INFORMATION:**

Z Street Natural Storm Drain Channel project will widen the existing easement to follow the natural flow of the approximate 450-foot Z Street drainage. The easement widening will allow for the rehabilitation of the natural storm drainage and adjacent slope areas within the easement limits by clearing and eradicating invasive non-native plant species and trash while performing erosion control.

Proposed work would include planting of low-lying vegetation in the channel base and a three-year maintenance and monitoring period. This action will allow for the acceptance of the deeds for the easements. The easement rights donated for this project will allow for rehabilitation of the natural storm drain and vegetation, thereby benefiting the subject property owners, as well as area residents served by the natural storm drain.

**FISCAL IMPACT:**

None. The affected property owners have elected to donate the required easements in exchange for the benefits to accrue to their property.

Herring/Griffith/DY

Staff: Steve Geitz – (619) 236-6311  
Elisa A. Cusato

FILE LOCATION: DEED F-9905

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-116: Grant of Tunnel Easements to the County Water Authority for the San Vicente Reservoir Project.

(Scripps Ranch Planning Group and Miramar Ranch North Planning Committee Community Areas. Districts 5 and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-976) ADOPTED AS RESOLUTION R-300279

Authorizing the City Manager, or designee, to execute five tunnel easement deeds conveying to the San Diego County Water Authority, for the purpose of digging, drilling, blasting, constructing, installing, operating, repairing, maintaining, improving, inspecting, reconstructing, relocating, replacing, and removing, a tunnel or tunnels for the conveyance or transmission of water by the San Diego County Water Authority, affecting portions of the APN numbers 319-572-02, 316-402-05, 319-021-18, 320-171-41, and 325-051-04 as more particularly described in the easement deeds;

Authorizing the City Auditor and Comptroller to accept \$11,500 from the San Diego County Water Authority to be deposited into Capital Outlay Fund 302453.

**CITY MANAGER SUPPORTING INFORMATION:**

On May 26, 1998, the City Council approved the agreement between the San Diego County Water Authority (CWA) and the City of San Diego (Document 00-18521-1) for the San Vicente Project phase of the Emergency Storage Project (ESP) that includes the San Vicente pipeline. In compliance with the agreement, CWA requires approximately 9.147 acres of tunnel easements under City owned designated open space, which is located north of the Marine Corp Air Station

Miramar and south of Scripps Poway Parkway. The tunnel easements will be 50 feet wide and approximately 7,969 feet long. The tunnel depth will vary relative to the surface topography and will range from 115 to 390 feet below the surface. There are no shafts, portals, or surface disruptions of any kind within the easements to be acquired by CWA on City property. 3.447 acres of the surface area above the proposed tunnel easements are already encumbered by a 200-foot wide SDG&E easement. CWA has entered into a Joint Use Agreement (JUA) dated January 25, 2005, with SDG&E for the construction, operation, and maintenance of their respective facilities. The requested easements are shown as SV16, SV26, SV35, SV36 and SV37 in Exhibit A of the JUA. The easement rights being acquired by CWA do not extend to the surface, other than for emergency repair access.

**Project Description:**

The San Vicente Pipeline will extend 11 miles from San Vicente Reservoir in Lakeside to CWA's second aquaduct west of I-15 providing access to water set aside for emergencies. The project is a key component of CWA's ESP and an important investment in the future reliability of the water supply of the City of San Diego and the County of San Diego. In the event of an interruption of the City's Water supply from the CWA Second aquaduct to the City's Miramar Treatment Plant, the San Vicente pipeline can be used to transport water from the San Vicente Reservoir to Lake Miramar.

**APPRAISAL:** A staff appraisal dated December 9, 2004, determined that the fair market value for the property rights requested is \$11,500.

**FISCAL IMPACT:**

\$11,500 to be deposited into Capital Outlay Fund 302453.

Griffith/Wiggins/JAB

Staff: Madison Wiggins - (619) 236-6733  
Elisa A. Cusato

**FILE LOCATION:** DEED F-9906

**COUNCIL ACTION:** (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.



\* [ITEM-117:](#) Reappointments to the Citizens Equal Opportunity Commission.

(See memorandums from Mayor Murphy dated 3/7/2005 and Councilmember Atkins dated 1/15/2003, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-962) ADOPTED AS RESOLUTION R-300280

Council confirmation of the reappointments by the Mayor of the City of San Diego, to serve as members of the Citizens Equal Opportunity Commission, for terms ending January 1, 2007, and in categories as specified:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>
Bradford E. Barnum – Pacific Beach, District 6 (Reappointment)	City at Large
Eileen Chaske – Golden Hills, District 3 (Reappointment)	American-Indian
Rev. Arthur Lawrence Cribbs, Jr. – Chula Vista (Reappointment)	African-American
Julia Ashley Legaspi – Scripps Ranch, District 5 (Reappointment)	Filipino
Dr. Daniel R. Salas – Pacific Beach, District 2 (Reappointment)	Mexican-American

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Rev. Arthur Lawrence Cribbs, Jr. is a resident of San Diego County, but not the City of San Diego, and he has unique qualifications to serve as a member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



\* [ITEM-118:](#) Appointment and Reappointment to the Funds Commission.

(See memorandum from Mayor Murphy dated 3/24/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-998) ADOPTED AS RESOLUTION R-300281

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego to serve as members of the Funds Commission, for a term expiring as indicated, are hereby confirmed:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Hilbert K. Chu – Rancho Santa Fe, District 1 (Reappointment)	January 28, 2009
Rose Ann Ignell – Scripps Miramar Ranch, District 5 (Replacing Robert H. Gleason, who has resigned)	January 28, 2006

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



[ITEM-119:](#) Mr. Wayne Allison Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-989) ADOPTED AS RESOLUTION R-300282

Commending Mr. Wayne Allison for his thirteen years of service and dedication to the City of San Diego;

Proclaiming April 4, 2005, to be "Mr. Wayne Allison Day" in the City of San Diego in honor of his receiving the Sixth Annual City of San Diego Dr. Martin Luther King, Jr., Sanitation Worker Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:50 p.m. – 2:55 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-120: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-804) ADOPTED AS RESOLUTION R-300283

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.



FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-121: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-831) ADOPTED AS RESOLUTION R-300284

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L – State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-122: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-835) ADOPTED AS RESOLUTION R-300285

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:49 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-not present, Mayor Murphy-nay.

ITEM-123: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-591) ADOPTED AS RESOLUTION R-300286

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.



ITEM-150: Reconciling the City Charter and San Diego Municipal Code Regarding Write-In Candidates.

(See City Attorney Report dated 2/10/2005.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2005-99) RETURNED TO RULES COMMITTEE, WITH DIRECTION

Introduction of an Ordinance amending Chapter 2, Article 7, Division 3, of the San Diego Municipal Code by amending Sections 27.0301, 27.0305, 27.0308, 27.0315, and 27.0323, and amending Chapter 2, Article 7, Division 6, of the San Diego Municipal Code by amending Section 27.0636, all relating to the City of San Diego Elections Code.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 2/26/2005, Rules voted 4 to 0 to approve the City Attorney's recommended changes and forward the item to the full Council. (Councilmembers Zucchet, Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmember Peters not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:56 p.m. – 6:02 p.m.)

MOTION BY FRYE TO RETURN THIS ITEM TO THE RULES COMMITTEE FOR RECONSIDERATION OF THE WHOLE ISSUE, WITH DIRECTION THAT:  
1) FUTURE AGENDA ITEMS CONTAIN MORE SPECIFIC DESCRIPTIONS WHEN PLACED ON THE DOCKET; 2) THE RULES COMMITTEE DETERMINE WHETHER A CITY CHARTER AMENDMENT ON ALLOWING OR BANNING WRITE-IN CANDIDATES SHOULD BE PUT BEFORE THE PUBLIC FOR A VOTE; 3) THE RULES COMMITTEE LOOK AT AMENDING THE MUNICIPAL CODE ON THE SAME ISSUE; 4) THE RULES COMMITTEE DETERMINE HOW TO ELIMINATE INCONSISTENCIES BETWEEN THE CITY CHARTER AND THE MUNICIPAL CODE ON THIS ISSUE; 5) THE RULES COMMITTEE DETERMINE WHAT OTHER OPTIONS ARE POSSIBLE ON THE ISSUE OF ALLOWING OR BANNING WRITE-IN CANDIDATES; 6) THE CITY ATTORNEY'S OFFICE MAKE ITS OPINIONS AND REPORTS FOR AGENDA ITEMS AVAILABLE TO THE PUBLIC ON-LINE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-200: Renewal Process for the Downtown Property and Business Improvement District (PBID).

(Centre City Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-975) ADOPTED AS RESOLUTION R-300287

Resolution of Intention to renew the Downtown Property and Business Improvement District and to levy and collect Fiscal Year 2006 annual assessments on Downtown Property and Business Improvement District.

**CITY MANAGER SUPPORTING INFORMATION:**

The current Downtown Property & Business Improvement District (PBID) was initiated on July 1, 2000, for a period of 5 years. The PBID has effectively provided an enhanced level of maintenance and public information services in the downtown area. As the PBID will expire on June 30, 2005, property owners have requested that the PBID be renewed for another 10 years in accordance with applicable State law. The proposed PBID renewal authorizes a change in the

assessment apportionment methodology and an increase in the Fiscal Year 2005-2006 assessments to provide additional enhanced services within the downtown area. The renewed PBID boundaries would continue to include most of downtown San Diego south and west of Interstate 5. The purpose of the PBID is to fund sidewalk and landscape maintenance, public safety programs, enhanced street lighting, public information services and administration. If approved by a property owner ballot protest process in accordance with State law and by the City Council at the conclusion of a scheduled public hearing, the renewed PBID will be effective for 10 years beginning July 1, 2005.

**Downtown Property and Business Improvement District**

**Estimated Expenditure, Revenue, and Reserves**

	<b>FY 2006</b>	<b>Maximum Authorized</b>
<b>REVENUES</b>		
Assessments	\$5,803,550	\$5,803,550
City Contribution – Gas Tax	<u>\$15,000</u>	<u>\$15,000</u>
<b>TOTAL REVENUES</b>	<b>\$5,818,550</b>	<b>\$5,818,550</b>
<b>EXPENDITURES</b>		
Personnel	\$2,513,106	\$2,513,106
Contractual	\$388,000	\$388,000
Incidental	\$2,228,030	\$2,228,030
Utilities	\$535,000	\$535,000
Contingency Reserve	<u>\$139,414</u>	<u>\$139,414</u>
<b>TOTAL EXPENDITURES</b>	<b>\$5,803,550</b>	<b>\$5,803,550</b>
<b>BALANCE</b>	<b>\$15,000</b>	<b>\$15,000</b>

**FISCAL IMPACT:**

The proposed budget (above) for a renewed Downtown Property & Business Improvement District in FY 06 is \$5,803,550. This budget will fund an increased level of enhanced services within the PBID boundaries. If the PBID renewal is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget. The annual assessment for City owned property will increase \$121,795 from \$143,223 in FY 05 to \$265,018 beginning in FY 06. The City Council has the discretion to approve renewal of the PBID at the conclusion of the public hearing to count ballots and consider protests which is anticipated to be scheduled in June 2005.

**A copy of the Engineer's Report and Management Plan for Fiscal Year 2005-2006 and District Renewal is on file in the City Clerk's Office.**

Frazier/Cunningham/Kawar/LO

Staff: Jeff Kawar – (619) 533-4221

FILE LOCATION: STRT-L 21 (32)

COUNCIL ACTION: (Time duration: 2:56 p.m. – 2:58 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-201: Establish Truck Prohibition on Various Streets.

(Barrio Logan and Sherman Heights Community Areas. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-727) ADOPTED AS RESOLUTION R-300288

Authorizing the prohibition of commercial vehicles with a rated capacity of five (5) tons or more from using the following streets: 26<sup>th</sup> Street from Main Street to Logan Avenue, 27<sup>th</sup> Street from Main Street to National Avenue, Sicard Street from Main Street to National Avenue, Sampson Street from Main Street to Logan Avenue, Julian Avenue from Cesar Chavez Parkway to Commercial Street, Irving Avenue from Cesar Chavez Parkway to Commercial Street, Main Street from Cesar Chavez Parkway to Sampson Street and Cesar Chavez Parkway from Harbor Drive to Commercial Street, pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 85.04,

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

**CITY MANAGER SUPPORTING INFORMATION:**

A truck traffic impact analysis study was conducted by Willdan and Associates, a traffic engineering consulting firm, at the request of the Port of San Diego, City of San Diego, and the Environmental Health Coalition through an Environmental Justice Grant. The Barrio Logan community is a mixture of single family residential, multi-family residential, commercial and industrial developments. There are also numerous major facilities located in and around the community boundary. The scope of the study was to address the community's concerns regarding the effects of truck traffic (volume, types of trucks, routes, etc) on noise, air quality, pedestrian safety, vehicle safety, parking, and traffic delays. Several community meetings were held to insure that the community concerns were addressed in the study. The result of the study was the recommendation that a preferred truck route be established to minimize the impact of trucks within the community. For example, the truck volume on Cesar Chavez Parkway was 18% of the total vehicle volume. This was in the vicinity where school children had to cross Cesar Chavez Parkway from their homes to school. The results of the study were presented in community workshops, with the recommendation of a preferred truck route on 28<sup>th</sup> Street from Harbor Drive to I-5. The community, including the Barrio Logan Project Action Committee and the Sherman Heights Planning Committee, agreed with the report recommendations.

The Port District staff also supports the preferred truck route. Therefore, commercial vehicles with a rated capacity of five tons or more should be prohibited on several streets within the community to encourage trucks to utilize the preferred truck route. By law, passenger buses (Public Utilities Code Sections 1031 through 1036), public utility vehicles (CVC Section 35704), and commercial vehicles with an origin or destination on the affected streets are exempt (CVC 35703) from this provision. This action prohibits commercial vehicles with a rated capacity of five tons or more from using the following streets: 26<sup>th</sup> Street from Main Street to Logan Avenue, 27<sup>th</sup> Street from Main Street to National Avenue, Sicard Street from Main Street to National Avenue, Sampson Street from Main Street to Logan Avenue, Julian Avenue from Cesar Chavez Parkway to Commercial Street, Irving Avenue from Cesar Chavez Parkway to Commercial Street, Main Street from Cesar Chavez Parkway to Sampson Street and Cesar Chavez Parkway from Harbor Drive to Commercial Street.

City staff has agreed with Port District staff and Port tenants not to post the truck restriction on Cesar Chavez Parkway until improvements which will facilitate truck access have been implemented on selected locations of the preferred truck route as follows:

**Project List:**

1. Install new traffic signal on Harbor Drive at Schley Street

2. Install a northbound right turn lane on Cesar Chavez Parkway at Harbor Drive
3. Install stop sign as an interim measure on northbound I-5 off ramp at National Avenue (east of 28<sup>th</sup> Street)
4. Optimize traffic signal timing on 28<sup>th</sup> street between Harbor Drive and Boston Avenue
5. Install northbound right turn lane on 28<sup>th</sup> Street at Boston Avenue
6. Improve and install additional signage on I-5 approaching Barrio Logan north and southbound

**FISCAL IMPACT:**

Fiscal impact is placement of 24 signs at a cost of \$7,200, and 2 freeway advisory signs at a cost of \$2,000. Total cost is \$9,200. Funding source is CIP-61-001.0 (Traffic Control and Calming Measures).

Mendes/Boekamp/DVW

Aud. Cert. 2500646.

Staff: Deborah Van Wanseele – (619) 533-3012  
Sharon Matthews

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:59 p.m. – 3:03 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Pending Final Map Approval – 525 Marine Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “525 Marine Street” (T.M. No. 10654/PTS No. 44475), located southeasterly of Marine Street and La Jolla Boulevard in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:



(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-251: Notice of Pending Final Map Approval – Harlan Place.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Harlan Place” (T.M. No. 99-1112/W.O. No. 421060), located at the terminus of Harlan Place, northeasterly of Jamacha Road and Harlan Circle in the Skyline-Paradise Hills Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-252: Notice of Pending Final Map Approval – 37<sup>th</sup> St. Villas.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “37<sup>th</sup> St. Villas.” (T.M. No. 36303/PTS No. 53111), located northeasterly of 37<sup>th</sup> Street and Landis Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-253: Notice of Pending Final Map Approval – River Estates Condominiums.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “River Estates Condominiums” (T.M. No. 41-0286/PTS No. 53321), located southwesterly of Hollister Street and Coronado Avenue in the Otay Mesa/Nestor Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-254: Notice of Completion and Acceptance of Subdivision Improvement Agreement.**

Notice is hereby given that the City Manager of the City of San Diego intends to file a “Notice of Completion and Acceptance of Subdivision Improvement Agreement” indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Robinhood Ridge Unit No. 4	Otay Mesa
Keiser Unit 4A	Carmel Valley
Carmel Valley Neighborhood 4 Unit 9	Carmel Valley
Westview Unit No. 2	Mira Mesa
South Creek Unit No. 7	Sabre Springs
South Creek Parcel 35-48 Unit No. 16	Sabre Springs

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Personal Injury Claim Settlement to Alejandro Jimenez, et al.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-949) ADOPTED AS RESOLUTION R-300289

Approved by Council in Closed Session on Monday, March 7, 2005, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Young-not present; Maienschein-yea; Frye-yea; Madaffer-nay; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$975,000, in the settlement of each and every claim against the City of San Diego, its agents and employees, in United States District Court Case No. 03cv0094 DMS (WMc), Maria Jimenez, etc., et al. v. City of San Diego, et al., resulting from the injury to plaintiffs, which occurred on March 22, 2002;

Authorizing the City Auditor and Comptroller to issue two checks as follows: \$225,000 made payable to Travelers Life and Annuity Company; and \$750,000 made payable to Alvin M. Gomez Trust Account, in full settlement of the lawsuit and of all claims;

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of a litigated claim which arises from a police shooting incident on March 22, 2002.

This settlement has been reviewed by the City Council in Closed Session.

Lexin/Lopez/LH

Aud. Cert. 2500875.

Staff: LeRoy Hostetler – (619) 236-6619

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:02 p.m. – 6:02 p.m.)

MOTION BY PETERS TO ADOPT ITEMS 101, 103, 104, 105, 106, 112, 116, 123 AND S400. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 6:04 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 6:04 p.m. – 6:04 p.m.)